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**INSPECTION SUMMARY REPORT**  
**New York State Department of Labor Asbestos Control Bureau**

**CASE NUMBER : 26060970** **PROJECT SITE : 2214 Whitesboro Street**  
**Utica, NY**

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**VIOLATIONS ISSUED TO: 2214 Whitesboro Street, LLC**  
**14 S. Main St.**  
**Shrewsbury, PA 17361**

**Inspection Date: 08/21/2014**  
**Violation Issued: 08/27/2014**

56-1.5 Responsibility for Cleanup of Uncontrolled Disturbance

**Violation Status: Issued**  
**Created By: Louis Carrock**

If there is an incidental disturbance or other disturbance (not as part of a controlled asbestos project) of ACM, PACM, asbestos material, or suspect miscellaneous ACM assumed to be ACM at a building or structure, upon discovery of the disturbance, the property owner shall be responsible for contracting with a licensed asbestos contractor for immediate isolation of the disturbance and cleanup in accordance with all provisions of this Part.

**Inspector's Observations:**

An asbestos disturbance was confirmed at a vacant warehouse located at 2214 Whitesboro Street, Utica.

The owner and/or the owner's agent is responsible for contracting with the appropriate asbestos licensed parties to isolate, assess the extent of the asbestos contamination, and then clean the site in accordance with all provisions of CR-56.

**Inspection Date: 08/21/2014**  
**Violation Issued: 08/27/2014**

56-3.1.A Licensing Requirements and Procedures

**Violation Status: Issued**  
**Created By: Louis Carrock**

No asbestos contractor shall engage in an asbestos project unless such asbestos contractor has a valid asbestos handling license issued by the Commissioner.

**Inspector's Observations:**

The owner of 2214 Whitesboro Street, Utica conducted an asbestos project by disturbing/handling friable asbestos pipe insulation at the above listed building without a valid asbestos handlers license.

**Inspection Date: 08/21/2014**  
**Violation Issued: 08/27/2014**

56-3.2.A Certification and Training Required

**Violation Status: Issued**  
**Created By: Louis Carrock**

No asbestos contractor shall engage in or permit a person employed by the asbestos contractor to engage in or supervise work on an asbestos project unless each such person has a valid asbestos handling certificate issued by the Commissioner appropriate to the work performed by such person on an asbestos project as defined in this Part. Training for all types asbestos handling certificates shall meet all requirements established by the New York State Department of Health.

**Inspector's Observations:**

The owner of 2214 Whitesboro Street, Utica conducted an asbestos project by disturbing/handling friable asbestos pipe insulation without employing certified asbestos handlers.

**Inspection Date: 08/21/2014**  
**Violation Issued: 08/27/2014**

56-5.1.A Asbestos Survey Required

**Violation Status: Issued**  
**Created By: Louis Carrock**

An owner or an owner's agent, except the owner of one and two-family dwellings who contracts for, but does not direct or control the work, shall cause to be conducted, an asbestos survey completed by a licensed asbestos contractor using inspectors certified in compliance with Section 56-3.2(d), to determine whether or not the building or structure, or portion(s) thereof to be demolished, renovated, remodeled, or have repair work, contains ACM, PACM or asbestos material. This asbestos survey shall be completed and submitted as indicated in Subdivision (g) of this Section, prior to commencing work. All such asbestos surveys shall be conducted in conformance with the requirements of Subdivision (e) of this Section.

**Inspector's Observations:**

The owner of a commercial building located at 2214 Whitesboro Street, Utica commenced with salvage/scraping operations without first conducting the required asbestos survey as required by this Section.

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56-5.1.J Unidentified and Unassessed Asbestos

**Violation Status:** Issued  
**Created By:** Louis Carrock

When any construction activity, such as demolition, remodeling, renovation or repair work, reveals PACM or suspect miscellaneous ACM that has not been identified by the asbestos survey per this Part, or has not been identified by other inspections as per current OSHA or EPA requirements, all activities shall cease in the area where the PACM or suspect miscellaneous ACM is found and the Asbestos Control Bureau shall be notified by telephone by the building/structure owner or their representative, followed with a written notice in accordance with the notification requirements of this Part. Unassessed PACM or suspect miscellaneous ACM shall be treated and handled as ACM and assumed to be ACM, unless proven otherwise by standard EPA and OSHA accepted methods, including multi-layered systems sampling protocols; subsequent analyses performed by a laboratory that meets the requirements of Section 56-4.2 of this Part; and the analyses satisfies both NYS ELAP and federal requirements, including multi-layered sample analyses, to document nonasbestos containing material.

**Inspector's Observations:**

The owner of 2214 Whitesboro Street, Utica did not cease salvage/scraping operations after disturbing/handling friable pipe insulation. Nor was the NYSDOL - Asbestos Control Bureau notified as required by this Section.

**Inspection Date:** 08/21/2014  
**Violation Issued:** 08/27/2014

56-8.4.B Handling and Removal Procedures - Dry Removal or Dry Disturbance

**Violation Status:** Issued  
**Created By:** Louis Carrock

No dry removal or dry disturbance of asbestos material shall be permitted.

**Inspector's Observations:**

Owner disturbed/handled friable asbestos pipe insulation without using wet methods. Dry disturbance/handling of friable asbestos pipe insulation occurred at 2214 Whitesboro Street, Utica.

**Inspection Date:** 08/21/2014  
**Violation Issued:** 08/27/2014

56-4.9 Number and Location of Samples Required

**Violation Status:** Issued  
**Created By:** Louis Carrock

The amount of ACM, PACM or asbestos material to be abated within the regulated abatement work area determines the asbestos project air sampling requirements for that specific regulated abatement work area.

**Inspector's Observations:**

The owner conducted an asbestos project by disturbing/handling friable asbestos pipe insulation without providing the required air monitoring as required by this Section.

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**8/11/2014 - Inspected By: Louis Carrock**

On 8/8/2014, Jack Gilbride with the City of Utica Codes department called and said someone was "scrapping out" the former Utica Converters building on Erie Street in Utica and a city employee saw pipe insulation all over the place. On 8/11/2014, IH Lou Carrock arrived at the site accompanied by City of Utica Codes employees Jack Gilbride and Dan Cozza to investigate the alledged asbestos disturbances at the vacant factory. No one was at the facility and all of the doors were locked. Entry was not possible. Looking through some recently opened holes in the side of the structure I could see suspect TSI runs still in place. There was no suspect debris outside of the structure for sampling. I posted the building with a NYS Department of Labor Suspension of work order. City Codes contacted the out-of-state owners and I was told they had agreed to allow entry of the building to verify no asbestos material had been disturbed. I will wait to hear from the City Codes and accompany them when they are allowed to inspect the building.

**8/21/2014 - Inspected By: Louis Carrock**

On 8/11/2014, I was asked to accompany the City of Utica Codes Department for a joint inspection of 2214 Whitesboro Street, Utica. This is the site of a vacant 4 story warehouse that used to be the former Utica Converters Building. Upon arrival we observed 3 large holes in the side of the building but could not gain access because the site was locked and secure. No ACM debris was observed outside of the structure. At this time, the building was posted with a DOL-ACB "Suspension of Work Order" and a stop work order from the City of Utica Codes. I was given contact information from the City of Utica Codes Officer and tried to contact the owner by phone to see if an asbestos survey had been completed prior to any salvage or scrapping done at the site. The owner's representative was very belligerent on the phone and said they knew nothing about asbestos being in their building and insisted they did not disturb anything. The person said they only auctioned off some equipment from the building. I tried to explain to the owner's representative that an Asbestos Survey was required prior to any salvage, scrapping or even removing equipment or components from the structure. They hung up on me. I was in the process of issuing the owners a citation under Section 56-5.1 for not conducting the required asbestos survey before they commenced with salvaging and scrapping of building components when I was again asked by the City to accompany them because they had recently obtained permission to enter the building. On 8/21/14, I joined several City of Utica Codes and Fire Department Officials for a walk through of the site to see if asbestos material had been disturbed. Once inside, I observed several runs, approximately 150 lf, of pipe with suspect asbestos insulation laying on the ground on the third floor. It appeared that it was recently cut down. Samples and photos were taken of this disturbed suspect ACM. We continued our investigation of the site but the third floor was the only area where a significant amount of ACM was observed to have been illegally removed/disturbed. The rest of the building had hundreds of linear feet of suspect TSI but it was still in place and had not been disturbed. Some of these pipes were in very poor condition and had "warning asbestos material" labels on them but again they were all still in place. Several more photos of this material were taken at this time. I proceeded to take 6 samples of suspect ACM and they were sent for analysis. Results are still pending.

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As soon as I receive the sample results and can confirm that the TSI material in question is in fact asbestos containing I will issue the appropriate citations to the owners. The DOL-ACB "Suspension of Work order" is still posted and in effect.

8/26/2014 Sample results received from ALS labs. The sampled pipe insulation tested positive for asbestos. (See labs results in case file)

The owner on record is 2214 Whitesboro Street, LLC. Citations under Section 56-1.5, 3.1(a), 3.2(a), 5.1, 4.9 and 8.4(b) will be issued to the owner. An asbestos site assessment and CR 56 compliant clean-up is required for all disturbed ACM at this location.



**8/11/2014 - Suspension of work placard posted on door of 2214 Whitesboro Street.**

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**8/11/2014** - Holes in the side of 2214 whitesboro st building where scrap and/or salvage material was removed.



**8/21/2014** - Severely damaged ACM covered pipes on the ground of the 3rd floor of 2214 Whitesboro Street, Utica.



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**8/21/2014** - Severely damaged ACM covered pipes on the ground of the 3rd floor of 2214 Whitesboro Street, Utica.



**8/21/2014** - Suspect ACM debris on ground of 2214 Whitesboro St, Utica.

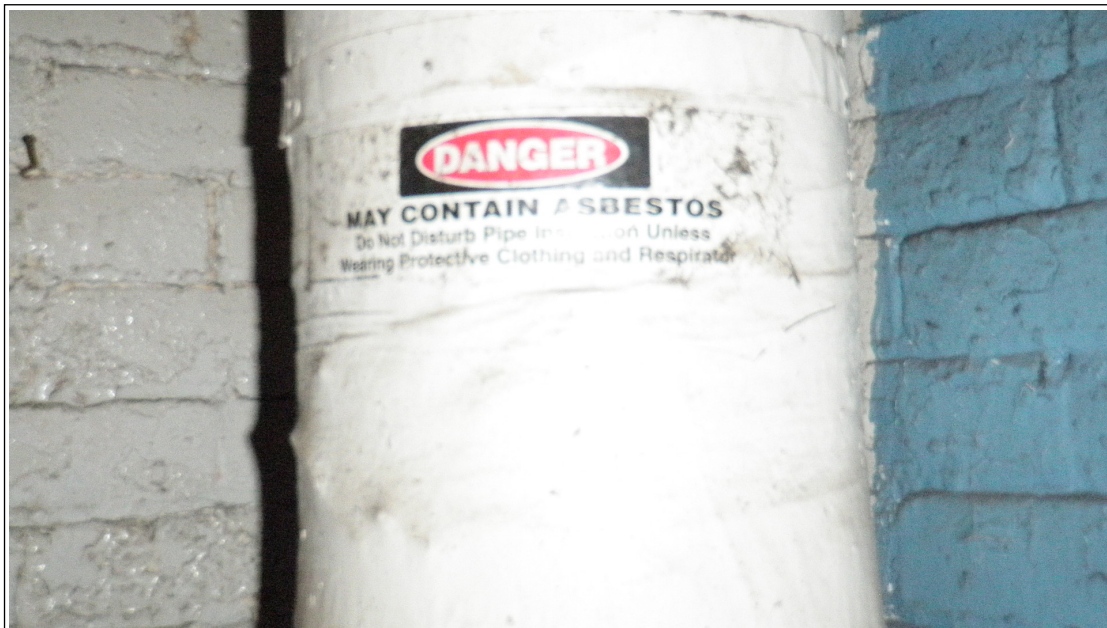


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**8/21/2014** - Asbestos warning sticker on insulated pipes at 2214 Whitesboro Street, Utica.



**8/21/2014** - Stripped wire insulation from scrapping process at 2214 Whitesboro street, Utica.



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**8/21/2014** - Stripper wire insulation from scapping process at 2214 Whitesboro Street, Utica.



**8/21/2014** - Severely damaged ACM pipes in 2214 Whitesboro Street, Utica.



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**8/21/2014** - Suspect ACM debris on ground in boiler room of 2214 Whitesboro St, Utica.



**8/21/2014** - Severely damaged ACM covered pipes on the ground of the 3rd floor of 2214 Whitesboro Street, Utica.



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**8/21/2014** - Severely damaged ACM covered pipes on the ground of the 3rd floor of 2214 Whitesboro Street, Utica.



**8/21/2014** - Asbestos warning sticker on insulated pipes at 2214 Whitesboro Street, Utica.